

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

SAMUEL R. GARDNER, II, #107989,

Plaintiff,

V.

LEON FORNISS, et al.,

Defendants.

CASE NO. 2:07-CV-1063-WKW

ORDER

A review of the documents and orders filed in this case demonstrates that the only issue properly before the court is plaintiff's request alleging entitlement to transfer to a Veterans Administration hospital for a physical. In a response filed on February 6, 2008, the plaintiff concedes that proceeding on this claim "would be fruitless as plaintiff's ingress to said hospital would be denied [by hospital officials]." *Court Doc. No. 10* at 1. As determined in a previous order, *Court Doc. No. 12*, this court has no jurisdiction to review any claims the plaintiff seeks to present with respect to a decision issued by the Department of Veterans Affairs denying plaintiff entitlement to veterans' benefits. Accordingly, it is

ORDERED that on or before February 22, 2008 the plaintiff shall advise the court of whether he seeks to proceed on his claim seeking transfer to a Veterans Administration Hospital. If the plaintiff understands such request is now “fruitless”, he may request dismissal of this case.

Done this 7th day of February, 2008.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE